

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ERIC A. SPEIGHTS JR.,

Petitioner,

v.

Case No. 2:24-cv-03216

Judge Edmund A. Sargus, Jr.

Magistrate Judge Chelsey M. Vascura

ANDRIA NOBLE, *et al.*,

Respondents.

ORDER

This matter is before the Court on the July 17, 2024 Report and Recommendation issued by the Magistrate Judge. (R&R, ECF No. 8.) As of July 16, 2024, when the Magistrate Judge drafted the Report and Recommendation, Petitioner Eric A. Speights Jr. had been convicted by guilty pleas in his state court cases and was no longer a pretrial detainee. (*Id.*) Petitioner's 28 U.S.C. § 2241 Petition was rendered moot because his claims related to his pretrial confinement. (*Id.*; 28 U.S.C. § 2241.) While Petitioner plead a claim related to his Sixth Amendment right to a speedy trial, that claim must be brought only after Petitioner has exhausted all available state court remedies and nothing on the record suggested he had done so. (*Id.*); *see Folley v. Banks*, No. 20-3554, 2020 WL 9813535, at *2 (6th Cir. Aug. 31, 2020) (citing *Atkins v. Michigan*, 644 F.2d 543, 546–47 (6th Cir. 1981)). The Magistrate Judge recommended that the Petition be dismissed without prejudice to bringing the speedy trial claim under 28 U.S.C. § 2254 after Petitioner has exhausted his state court remedies. (R&R PageID 5.)

The parties were advised of their right to object to the Report and Recommendation and of the consequences of failing to do so (*Id.*), but did not do so. The Court **ADOPTS** and **AFFIRMS** the Report and Recommendation. (ECF No. 8.) The Petition is **DISMISSED without prejudice**

in accordance with the Magistrate Judge's recommendations. The Clerk is **DIRECTED** to enter judgment and close the case.

IT IS SO ORDERED.

11/21/2024
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE